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REMARKS

Applicants respectfully present Claims 1-26 and 28 for examination in the RCE filed herewith. Claims 23-27 and 29 were previously canceled and Claims 1, 8, 15 and 28 have been amended herein to more clearly define the scope of the presently claimed invention. No new claims have been submitted. Applicants respectfully submit that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated April 6, 2004 in the parent application.

35 U.S.C. §103

Claims 1-14, 19, 22 and 28 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of Tian et al., International Publication No. WO 02/23468 A1 ("Tian"), the article entitled "Meeting QOS guarantees by End-to-End QOS Monitoring and Adaptation" by Huard, et al. ("Huard") and Chen et al. (U.S. Patent No. 6,400,826, hereafter "Chen"). Applicants respectfully traverse the rejection.

First, Applicants respectfully submit that the Examiner inappropriately combined Tian, Huard and Chen. Specifically, Tian discusses a method for authenticating and meduring quality of servce of multimedia signals using digital watermark analyses. Chen, on the other hand, describes a system, method and product to provide distortion compensation when watermarking a host signal with a watermark signal. And finally Huard describes a method of meeting QOS guarantees by end-to-end QOS monitoring and adaptation. The Examiner concedes that Tian does not teach or suggest a watermark derived by quantizing the host signal using an ensemble of quantizers, but suggests that Chen teaches such an element. Additionally, although the Examiner agrees that neither Tian nor Chen teaches the element of adjusting the parameter set for processing the data set based on the presence of data corruption determined from the recovered signal, the Examiner contends that Huard teaches such an element.

Applicants respectfully submit that the references cannot be combined in the manner suggested by the Examiner. Although all three references generally discuss embedding watermarks in host signals, there is no motivation in any reference to suggest a combination with the remaining two references. The mere fact that all three references

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discuss watermarking and that the features of all three, if combined, may provide benefits, does not render the combination of the three references obvious or proper. As set out in M.P.E.P. § 706.02(j), "(t)here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." The Examiner simply states, without support, that it would have been obvious to combine Tian and Chen to arrive at the element of a watermark derived by quantizing the host signal using an ensemble of quantizers. Similarly, the Examiner contends, without support, that the feature of adjusting a parameter set for data processing based on the presence of data corruption determined from a recovered signal is well known to those of ordinary skill in the art, as evidenced by a section of Huard. The Examiner gives no explanation as to the motivation to combine these references other than the fact that the combination would "enhance the watermarking process" and/or "the feature was exceedingly well known in the art". Applicant respectfully submits that simply because all references generally discuss embedded watermarks and the combination may provide certain benefits, does not *prima facie* suggest a motivation to combine the references. Applicants therefore respectfully submit that the combination of these references is improper and respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to Claims 1-14, 19, 22 and 28.

Even assuming *arguendo* all the references were properly combined, Tian, Huard and Chen do not render Claims 1-14, 19, 22 and 28 unpatentable. As previously discussed, the Examiner concedes that Tian does not teach the embedded watermark derived in the manner claimed in independent Claims 1, 8, 15 and 28. The Examiner suggests, however, that Chen teaches this element. The section of Chen highlighted by the Examiner (Chen, Col. 11, lines 14-34), however, does not teach or suggest embedding a distortion-dependant watermark in a data set, the distortion-dependant watermark derived by quantizing the host signal using an ensemble of increasingly coarse quantizers. Independent Claims 1, 8, 15 and 28, as amended herein, each include this element. Tian and/or Chen, alone or in combination, do not teach this element. Similarly, the combination of Huard with Tian and/or Chen also does not teach this element. Since the combination of these references does not teach at least this element of

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the claimed invention, Tian, Chen and/or Huard cannot render Claims 1, 8, 15 and 28, and all claims dependant on these independent claims, unpatentable. Applicants therefore respectfully request the Examiner to withdraw the rejection to Claims 1-14, 19, 22 and 28 under 35 U.S.C. §103.

Finally, Applicants respectfully submit that since there are no pending rejections against Claims 15-18 and Claims 20-21, these claims are allowable over the cited references. Applicants therefore respectfully request the Examiner to indicate allowance of these claims.

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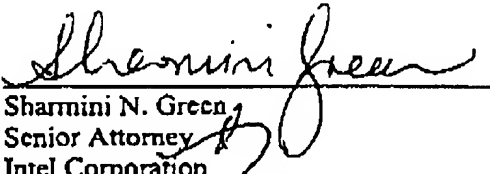
CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1 – 22 and 28 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (310) 406-2362.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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